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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,140	08/21/2003	Kylo Walczak	200312628-1	7136
22879	7590	08/01/2005		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				EXAMINER CHANG, YEAN HSI
				ART UNIT 2835
				PAPER NUMBER

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,140	WALCZAK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yean-Hsi Chang	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 18 July 2005.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4, 6-9 and 11-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 11-20 is/are allowed.

6) Claim(s) 1-4 and 6-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 15 is objected to because of the following informalities: The second “a plurality of drawers” in claim 15 should not use an “a” as the article if it refers to the same elements recited, otherwise, a different name should be given for avoiding ambiguity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolton et al. (US 5,168,424).

Bolton teaches a computer rack system (fig. 1) comprising: electronic components (55 and 60, for example), a rack (not shown, see col. 3, lines 30-32) including means (20) for supporting said electronic components therein, a drawer (20) slidably mounted in said rack and configured to receive at least one data storage device (60), at least one removable tray (part of 60, not labeled) in said drawer, and a lid (30) for preventing access to data storage devices stored in said tray (claims 1 and 3); wherein said drawer includes means (22) for supporting said data storage device in a

desired position (80) (claim 2); and wherein said tray includes means for supporting said data storage device in a desired position such that an exposed face (shown in fig. 1) of said data storage device is visible (claims 6-7).

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Emrich (US 5,097,946).

Emrich teaches a computer rack system (fig. 1) comprising: electronic components (CD not shown, see col. 2, line 4), a rack (11) including means (25) for supporting said electronic components therein, a drawer (31) slidably mounted in said rack and configured to receive at least one data storage device, at least one removable tray (51) in said drawer, and a lid (59) for preventing access to the data storage devices stored in said tray (claim 1).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US 6,654,239 B2).

Smith teaches a computer rack system (10, fig. 1) comprising: electronic components (fig. 1), a rack (not shown) including means (19) for supporting said electronic components therein, and a drawer (14) slidably mounted in said rack and configured to receive at least one data storage device (22), at least one removable tray (24) in said drawer, and a lid (26) for preventing access to data storage devices stored in said tray (claim 1); and wherein said drawer has a height that is an integral multiple of 1.75 inches (4.45 cm) (see col. 1, lines 44-64) (claim 4).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emrich in view of Yamaguchi (US 4,488,645).

Emrich discloses the claimed invention except the data storage device is supported in an inclined position.

Yamaguchi teaches a computer rack system (fig. 8) comprising a data storage device (48) being supported in an inclined position (shown in fig. 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Emrich with the support taught by Yamaguchi such that the drawer would not fall out of the rack without a stopping means.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emrich in view of Brandt et al. (US 5,269,409).

Emrich discloses the claimed invention except the tray being configured to receive a plurality of data storage devices.

Brandt teaches a disc tray (11, fig. 1) being configured to receive a plurality of data storage devices (3, see col. 1, lines 20-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Emrich with the CD tray taught by Brandt for economical purposes.

#### ***Allowable Subject Matter***

10. Claims 11-20 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Bolton et al. (US 5,168,424), Emrich (US 5,097,946), Smith (US 6,654,239 B2), Clausen (US 6,039,190), Yamaguchi (US 4,488,645), Brandt et al. (US 5,269,409), Mueller et al. (US 6,804,877 B2), Jahne et al. (US 6,535,381 B2), and Hunt (US 6,332,546 B1), taken alone or in combination, fails to teach or fairly suggest: among other limitations, means for locking a lid of at least one removable tray in a drawer slidably mounted in a rack of a computer rack system as set forth in claim 11; and at least one data storage device received in the drawer, including

a memory chip as set forth in claims 12, 13 and 15. Claims 14, and 16-20 are dependent claims from claims 13 and 15, respectively.

***Response to Arguments***

12. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang  
Primary Examiner  
Art Unit: 2835  
July 30, 2005



YEAN-HSI CHANG  
PRIMARY EXAMINER